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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,786	01/09/2002	Koichi Hata	2001_1916A	3937
513	7590	08/03/2004	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			DOAN, KIET M	
		ART UNIT		PAPER NUMBER
		2683		
DATE MAILED: 08/03/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/040,786	HATA ET AL.	
	Examiner Kiet Doan	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 January 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. 2001/011250.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>01-09-02/07-28-03/03-22-04</u>	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

1. Claims 1 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Pasanen (Patent No. 6,587,450).

Consider **claims 1 and 6**, Pasanen teaches a mobile (data) communication device for being coupled to an external device having a short-distance wireless communication function and (Col 4, lines 22-26, lines 63-67 teach peripheral device means as external device/short distance link)a server on a network in a manner to enable communications for exchanging data with the external device and the server in accordance with a predetermined protocol, comprising (Col 4, lines 53-65 teach server/exchange data with external device) short-distance wireless reception means for receiving data from the external device (Col 5, lines 1-3 teach receiving) network reception means for receiving data from the server (Col 4, lines 63-67, Col 5, lines 1-3 teach network with server/receiving) short-distance wireless transmission means for transmitting data to the external device (Col 5, lines 1-3 teach transmitting) network transmission means for transmitting data to the server (Col 4, lines 63-67, Col 5, lines 1-3 teach network with server/transmitting)

server/transmitting) instruction data receiving means for receiving instruction data from an external source prior to performing a set of data exchanges, wherein the instruction data indicates a protocol in which the set of data exchanges are to be performed (Col 5, lines 35-60 teach performing and data exchange means as predetermined link agent) analysis means for analyzing the instruction data received by the instruction data receiving means (Col 8, lines 40-65 teach received link agent/examines such as analysis data) and switching means (Col 12, lines 58-62 teach switches) for selecting one or more of the short-distance wireless reception means (Col 9, lines 31-47 teach short distance link two or more devices) the network reception means (Col 9, lines 31-32) the short-distance wireless transmission means (Col 9, lines 35-38) and the network transmission means to create a data transmission/reception path for allowing the set of data exchanges with the external device and the server to occur in accordance with the predetermined protocol (Col 5, lines 1-18 teach transmit/receive with server) wherein the predetermined protocol is based on an analysis result of the instruction data by the analysis means (Col 5, lines 46-55 teach predetermined/processing link such means analysis of the instruction data)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pasanen (Patent No. 6,587,450) in view of Linden et al. (Patent No. 6,549,773).**

Consider **claims 2 and 7**, Pasanen teaches the invention as disclosed in claim 1 and 6, but fail to teach the mobile communication device wherein the instruction data is described in XML (Extensible Markup Language). In the same field of endeavor, Linden teaches “Method for Utilizing Local Resources In A Communication system”. Further, Linden teaches teach the mobile communication device wherein the instruction data is described in XML (Extensible Markup Language) (Col 8, lines 11-19 teach wireless mark up language as HTML). Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to include, within Pasanen system, Method for Utilizing, as taught by Linden to modify the system that provided for the users of easy access to any external devices by using short-distance wireless.

Consider **claims 3 and 8**, Linden further teaches the mobile communication device wherein the instruction data comprises an instruction for transferring predetermined data from one of the server or the external device to the other (Col 6, lines 1-6, lines 34-42 teach transmitting data)

Consider **claims 4 and 9**, Linden further teaches the mobile communication device wherein the instruction data comprises address information for designating a destination to be accessed when exchanging data with the server (Col 10, lines 7-11, lines 25-32 teach exchanging data with server and address information)

Consider **claim 5 and 10**, Linden further teaches the mobile communication device wherein the instruction data comprises a session ID (Col 6, lines 60-66 teach ID) and wherein the mobile communication device further comprises: session ID addition means for adding to transmission data the session ID contained in the instruction data analyzed by the analysis means (Col 11, lines 30-36 teach ID contained means as packet transmission)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosed:

1. Jokimies Patent No. 5,353,328
2. Michael et al. Patent No. 6,011,976
3. Matsui Pub. No. US 2001/0034207
4. Haller et al. Pub. No. US 2003/0114105

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 703-305-4749. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)


Kiet Doan
Patent examiner


WILLIAM TROST
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